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REMARKS

The Examiner rejected claims 9 and 11-14 for 35 USC 112, second paragraph issues. The present amendment corrects each of these issues. The Examiner objected to the drawings as not showing all of the claimed elements, the drawings are amended as discussed below.

The Examiner under 35 USC 102(a) rejected claims 8 and 10 -14 citing Harrington US Pat. No. 5,895,454 ('454). On page 6 at the bottom of the present Office Action, the Examiner did not cite a '454 numeral to the "order" in the claim 8, but he cites numeral 34 from the '454 as the "message" of claim 8. Item 34 in the '454 patent on FIG. 1 is labeled as "USER PURCHASE DATA." But this is not a promotional message to a referral contact and item 34 is not even mentioned in the body of the '454 patent.

The '454 patent discloses an "order," but clearly there is no message to a referral contact, nor does the '454 patent suggest such a message, nor any advantage that would suggest such a message. The Examiner includes (when discussing claim 9) U.S. patent to Kanter ('314 below) as providing a "referral recognition system" that is missing in the '454 patent. Respectfully, with respect to the amended claim 8 "message," the '454 simply lacks a referral system, and certainly lacks a referral recognition system, and there is not even a suggestion of a message from a buyer to his referral contact.

Independent claim 8 is hereby amended to better distinguish the cited references. In this case the message is more clearly defined as a promotional message, "a message from the user recommending the purchased product, the message pertaining to the order..."

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No new matter is added since, in the original application, these words are found in the original application, page 4, lines 3-4, and on page 13, line 5. Claims 9-14 depend from claim 8 rendering these claims allowable.

As mentioned above, Examiner rejected claim 9 under 35 USC 103(a) citing the '454 patent in view of US Pat. No. 5,537,314 ('324) to Kanter as suggesting the referral reward of claim 9. The '314 discloses an incentive award system. In fact the '314 patent from column 12 to column 15 details the incentive objects of his system, but, even in this very inclusive '314 patent, there is no suggestion of the advantage of a prior buyer sending a promotional message to his referral contacts. The omission indicates that the '314 patent did not realize the effectiveness of such an endorsement by a prior buyer (probably known) to the referral contact. This omission indicates the presently claimed "message" is new, and it argues it's unobvious.

The Examiner suggests the advantage at the bottom of page 8 of the Office Action, but there is no corresponding suggestion, disclosure or mechanism (a message, a call, etc.) in either cited patent for a customer promotional message to a referral contact. It is respectfully suggested that there is a requirement for the Examiner to find some references or some hint in either cited patent for the presently claimed promotional "message," and, since there is none, it is respectfully requested that the Examiner allow the claims. The only source for the prior buyer promotional "message" is the present application using hindsight, and such use is not fair.

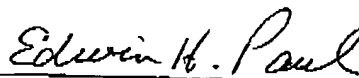
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The independent claims are allowable and so the dependent claims are allowable, and a notice of allowance would be appreciated. Please call me at my direct telephone number below if there are any other questions or concerns.

With respect to the drawings, a marked up copy of FIG. 1 and FIG. 2 are included herein showing: the identity of the user (item 155, see page 11, line 23 of original application), the plurality of the contacts (item 160, see page 12, line 4 of original application) and the contact information (item 160, see page 12, lines 2-7 of original application), the graphical user interface (item 117), the web page provided by the server (item 159, see page 12, line 17 of original application), the order entered (item 200, see page 12, lines 9-11 of original application), the list of products (item 157, see page 12, lines 9-11 of original application), the message (item 220, see page 13, lines 5-8 of original application), the credit entries (item 205, see page 12, line 13 of original application), and the user's database record (item 225, see page 12, line 12 of original application), are now shown in the FIGS. The "address facilitating access to the list" is removed from the claims as being unwieldy wordings.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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